

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:) CHAPTER 13
James B. Lambert) CASE NO: 20-51118
Anita A. Lambert)
DEBTOR(S)) ALAN M. KOSCHIK
) BANKRUPTCY JUDGE
) A M E N D E D
) TRUSTEE'S MOTION TO DISMISS AS 341
) FIRST MEETING OF CREDITORS CANNOT
) BE CONCLUDED AND 21 DAY OBJECTION
) PERIOD

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and hereby moves this Court for an order of dismissal pursuant to 11 USC § 1307 (c)(1) and Rule 4002. The Debtor(s) failure to timely supply necessary information has hindered the Trustee's ability to administer the case and has caused unnecessary delay by the Debtor(s) which is prejudicial to creditors as the Debtor(s) is enjoying the automatic stay provided by 11 USC § 362 while hindering repayment to creditors by failing to provide necessary information to conclude the 341 meeting. Until the 341 meeting is concluded the Trustee cannot recommend the case for confirmation. Creditors cannot be paid until the case is confirmed by the Court.

On **05/29/2020**, the above named Debtor(s) filed a petition for relief under Chapter 13 of the bankruptcy code.

The original date for the First Meeting of Creditors was **06/25/2020**, and has been adjourned several times because the Debtor(s) and attorney for the Debtor(s) have failed to supply the Trustee with certain required information. The Debtor(s) and attorney for the Debtor(s) were instructed to provide the following information to the Trustee.

_____ Tax Returns	_____ Proof of auto insurance
_____ Financial Statements	_____ Proof of homeowners insurance
_____ Chapter 13 Payment	<u> X </u> See Below for issues regarding Chapter 13 Plan
_____ Pay stubs	

- NEED TREATMENT OF WATERFORD VILLAGE HOA UNDER #3.1 AND STATE "TRUSTEE" OR "DEBTOR"
- PLAN IS NOT FEASIBLE AND NEED PAYMENTS IN THE AMOUNT OF 1010.00 PER MONTH

WHEREFORE, the Chapter 13 Trustee hereby moves this Court for an order of dismissal of the above Chapter 13 case for all the reasons stated herein.

NOTICE

Pursuant to 11 USC § 102, unless a party in interest requests a hearing on this pleading, the Court may grant the relief requested without a hearing or further notice.

Parties that want to be heard on this matter must file a response to this pleading within

CHAPTER 13
Keith L. Rucinski
Trustee
One Cascade Plaza,
Suite 2020
Akron, OH 44308
(330)762-6335
Fax
(330)762-7072

21 days from the date in the below certificate of service.

The response must be filed with the US Bankruptcy Court at:

**US Bankruptcy Court
2 South Main Street
455 John F. Seiberling Federal Building
Akron, Ohio 44308-1810**

In addition to filing a response with the Court, parties requesting a hearing must serve all parties in the below certificate of service either through the mailing address provided or, where applicable, by the Court's Electronic Filing System (ECF).

Respectfully submitted,

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee
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CERTIFICATE OF SERVICE

I hereby certify that on 12/11/2020, the following were served a copy of this pleading:

Via Regular Mail

James B. Lambert
38 Clearwater Drive
Brunswick, OH 44212

Anita A. Lambert
38 Clearwater Drive
Brunswick, OH 44212

Via ECF

VANCE P TRUMAN (medinaatty@vancetruman.com)
Office of the US Trustee (ustpregion09.cl.ecf@usdoj.gov)
Keith L. Rucinski. Chapter 13 Trustee (krucinski@ch13akron.com)

Date of Service: 12/11/2020

By: T. Rowe
Office of the Chapter 13 Trustee

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